

**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
441 Fourth Street, NW  
Washington, DC 20001  
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DISTRICT OF COLUMBIA  
TAXICAB COMMISSION  
Petitioner,

v.

FEDAKU WORDOFA  
Respondent.

Case No.: 2011-TAXI-V200004

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**FINAL ORDER**

**I. INTRODUCTION**

On December 13, 2011, Petitioner, the District of Columbia Taxicab Commission ("Petitioner") issued a Notice of Infraction ("NOI") charging Respondent Fedaku Wordfa ("Respondent") with violating 31 DCMR 819.4 for failure to furnish service on demand to any person (the "Regulation"). The violation allegedly occurred on October 11th, 2011, at 17<sup>th</sup> and K Streets, NW. The Government seeks a fine of \$250.

On December 23, 2011, Respondent entered a plea of Deny to the alleged violations. A Scheduling Order was issued on January 11, 2012, scheduling an evidentiary hearing for February 1, 2012.

On the date of the hearing, Respondent appeared and represented himself. David Person, Paralegal Specialist, Taxicab Commission, appeared on behalf of Petitioner. Nicole Hendricks testified as a witness for Petitioner.

Based upon the testimony of the witnesses, my evaluation of their credibility, the exhibits admitted into evidence, and the entire record, I now make the following findings of fact and conclusions of law.

## **II. FINDINGS OF FACT**

On October 10, 2011, at around 6:20 pm, Mrs. Hendricks was at 17<sup>th</sup> and K Streets, N.W. looking to hail a cab to hire it for a ride to Virginia. Respondent stopped his taxicab and Ms. Hendrick's attempted to open the taxicab door but the door did not open. Respondent rolled down the window and asked Ms. Hendricks where she was going. Ms. Hendricks' responded "Arlington, Virginia". Respondent replied that he was not going to Virginia. Ms. Hendrick's noted the cab name and number and said out loud, "Grand Cab 356". She read the cab name and number out loud in hopes that the Respondent would not drive off if he knew that she had information that would identify him. Respondent drove away.

As the cab drove away, Mrs. Hendricks simultaneously wrote down the cab company name and number, Grand Cab 356. Respondent owns cab 356, drives for the Grand Cab Company, and was driving in the area of 17 and K Streets, NW, on the evening of October 10, 2011. Petitioner's Exhibit ("PX") 200.

Ms. Hendricks did not see an off duty sign in the windshield nor did she see whether the off duty light on the top of the taxicab was lit. She did not hear Respondent say that he was off duty. Ms. Hendricks was under the impression that the taxicab was on duty because Respondent stopped and asked her destination.

The following day, Ms. Hendricks filed a complaint with the Washington Metropolitan Area Transit Commission. (PX) 100.

Respondent testified that he worked on October 11, 2011, but he only worked from 9:30 pm to 10:20 pm. Respondent's Exhibit ("RX") 200. He worked less than an hour because the battery light in his taxicab came on and he stopped working. Respondent does not remember exactly where he was at 6:30 pm on October 11, 2011.

Both Ms. Hendricks and Respondent provide enough information to establish that Respondent was the individual driving the cab that refused to take Ms. Hendrick's to her destination. Ms. Hendrick's contemporaneously wrote down the cab number and company as the taxicab drove away. Respondent admits that he drives cab 356 for the Grand Cab Company and that on the evening of October 11, 2011, he was the only person driving his taxicab.

Finally, I do not find Respondent's manifest indicating that he worked from 9:30 to 10:20 pm persuasive. ("RX") 200. The manifest is a document authored and maintained by Respondent. There is nothing that prevents Respondent from picking up passengers that are not accounted for on the manifest and Respondent does no record customers for whom he did not provide transportation. Finally, there is no evidence that affirms the reliability of the manifest as to whether or not a taxicab is on or off duty.

### **III. CONCLUSIONS OF LAW**

The Regulation 31 DCMR 819.4, states:

Taxicab operators shall, at all times when on duty and not engaged, furnish service on demand to any person, except as provided for in § 819.5<sup>1</sup>.

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<sup>1</sup> 31 DCMR 819.5 states in pertinent part:

No taxicab operator shall refuse to transport a person while holding his or her taxicab for hire, unless:

- (a) Previously engaged;
- (b) Unable or forbidden by the provisions of this title to do so;

The Government proved by a preponderance of evidence that Respondent violated the Regulation as charged in the Notice of Infraction for the reasons discussed above. I credit Ms. Hendrick's testimony that on October 11, 2011, Respondent refused to take her to Virginia. A fine of \$250 is prescribed for a violation of 31 DCMR 819.4 31 which is the fine requested by Petitioner. 31 DCMR 825. Having held Respondent liable, I will impose the authorized fine of \$250.

#### **IV. ORDER**

Based upon the foregoing findings of fact and conclusions of law and the entire record in this matter, it is, this \_\_\_\_\_ day of February, 2012:

**ORDERED**, that Respondent is **LIABLE** for violating the Regulation as charged in the Notice of Infraction; and it is further

**ORDERED**, that Respondent shall pay a fine in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250)** in accordance with the attached instructions within 35 days of the mailing date of this Order (30 days plus 5 days service time pursuant to 31 DCMR 702.5 and 1 DCMR 2811.5), unless the time period is extended; and it is further

**ORDERED**, any party served with a final order may file a motion for reconsideration within ten (10) calendar days of service of the final order in accordance with 1 DCMR 2828.

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- (c) The operator has reason to believe the person is engaged in a violation of law; or
  - (d) The operator has cause to fear injury to his or her person, property or taxicab.

When the final order is served by mail, five (5) calendar days are added to the 10 day period in accordance with 1 DCMR 2812.5; and it is further

**ORDERED**, that the reconsideration and appeal rights of any party aggrieved by this Order are stated below.

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Claudia A. Crichlow  
Administrative Law Judge

### **MOTIONS FOR RECONSIDERATION**

Any party served with a final order may file a motion for reconsideration within ten (10) calendar days of service of the final order in accordance with 1 DCMR 2828. When the final order is served by mail, five (5) calendar days are added to the 10 day period in accordance with 1 DCMR 2812.5. [www.oah.dc.gov](http://www.oah.dc.gov).

The Administrative Law Judge has forty-five (45) days to decide a motion for reconsideration. If a timely motion for reconsideration of a final order is filed, the time to appeal shall not begin to run until the motion for reconsideration is decided or denied by operation of law. If the Judge has not ruled on the motion for reconsideration and 45 days have passed, the motion is automatically denied and the 30 day period for filing an appeal to the [District of Columbia Court of Appeals](#) begins to run.

## **PAYMENTS**

If a payment is required by this Order, to be properly credited to your case(s) the payment must be sent to the attention of the Clerk of the Office of Administrative Hearings. Payments are only accepted by check or money order and must be made payable to “D.C. TREASURER.” Enclose full payment and mail the check in an envelope with required postage to:

Clerk  
Office of Administrative Hearings  
One Judiciary Square  
441 Fourth Street, NW  
Washington, DC 20001-2714

**IMPORTANT:** Please do not call the D.C. Court of Appeals with questions about how to make any payments required under this Order. The D.C. Court of Appeals does not accept any payments in cases decided by the Office of Administrative Hearings. **If you have questions, please call the Clerk’s Office at the Office of Administrative Hearings on 202-442-9094.**

## **APPEAL RIGHTS**

Pursuant to D.C. Official Code § 2-1831.16(c)-(e), any party suffering a legal wrong or adversely affected or aggrieved by this Order may seek judicial review by filing a petition for review and six copies with the District of Columbia Court of Appeals at the following address:

Clerk  
District of Columbia Court of Appeals  
430 E Street, NW, Rm. 115  
Washington, DC 20001  
202-879-2700

The petition for review (and required copies) may be mailed or delivered in person to the Clerk of the Court of Appeals, and must be received by the Clerk of the Court of Appeals within 30 calendar days of the mailing date of this Order. Information on petitions for review to the Court of Appeals can be found in Title III of the Rules of the District of Columbia Court of Appeals.

## **IMPORTANT NOTICES:**

- 1. By law, the amount of a lawfully imposed fine cannot be modified or reduced on appeal. D.C. Official Code § 2-1831.16(g).**
- 2. Filing of a petition for review does not stay (stop) the requirement to comply with a Final Order, including any requirement to pay a fine, penalty or other monetary sanction imposed by a Final Order. If you wish to request a stay, you must first file a written motion for a stay with the Office of Administrative Hearings. If the**

**presiding Administrative Law Judge denies a stay, you then may seek a stay from the D.C. Court of Appeals.**



**Certificate of Service:**

**By First Class Mail (Postage Paid):**

Fekadu Wordofa  
907 Malcolm Drive  
Silver Spring, MD 20901

I hereby certify that on \_\_\_\_\_,  
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